

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

RODNEY JULIUS OWENS

Plaintiff,

V.

JAY JONES, et. al.,

Defendants.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

Civil Action No. 3:06-cv-00540-MEF-SRW

**DEFENDANTS SHERIFF JAY JONES, MAJOR CARY TORBERT, JR., AND NURSE
LINDA STEWART’S MOTION FOR EXTENSION OF TIME TO FILE THEIR
SPECIAL REPORT AND ANSWER**

COME NOW Sheriff Jay Jones, Major Cary Torbert, Jr.¹, and Nurse Linda Stewart, Defendants in the above-styled cause², and move this Court to grant them an extension of time of 28 days in which to file in which to file their Special Report and Answer which are currently due on August 7, 2006, and August 8, 2006 (respectively). As grounds for this Motion, the Defendants state as follows:

1. On June 28, 2006, this Court ordered the Defendants to file their Special Report within 40 days of the date of the Order, which would be August 7, 2006. The Defendants Sheriff Jay Jones, Major Cary Torbert, Jr., and Nurse Linda Stewart were served with the Complaint and Order for Special Report on June 2, 2006, making their Answer due August 8, 2006.

2. Defendants are in need of additional time in order to fully investigate the Plaintiff's claims and provide the Court with a meaningful Special Report.

3. Defendants have not previously filed a request for an extension of time to file their Special Report and Answer.

¹ Major Cary Torbert, Jr., was incorrectly designated in the Plaintiff's Complaint as Major James Torbert.

² Although the Plaintiff also named Dr. John McFarland as a Defendant in his lawsuit, Dr. McFarland has not been served.

4. The Plaintiff will not be prejudiced by this extension.

WHEREFORE Defendants Sheriff Jay Jones, Major Cary Torbert, Jr., and Nurse Linda Stewart request this Court to grant them an extension of time to file their Special Report and Answer on or before September 4, 2006.

Respectfully submitted this 24th day of July, 2006.

s/Amanda Kay Morgan
AMANDA KAY MORGAN Bar No. ALL079
Attorney for Defendants
WEBB & ELEY, P.C.
7475 Halcyon Pointe Drive (36117)
Post Office Box 240909
Montgomery, Alabama 36124
Telephone: (334) 262-1850
Fax: (334) 262-1889
E-mail: amorgan@webbeley.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 24th day of July, 2006, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Rodney Julius Owens
Lee County Detention Center
P.O. Box 2407
Opelika, AL 36801
US

s/Amanda Kay Morgan
OF COUNSEL